

Our Village has produced a few great men. This house cannot possibly forget the late Mr. T. R. Ramachandra Ayyar who was admitted to be an advocate of prominent position. He was the uncle of Mr. Balarama Ayyar and my own worthy predecessor in this house. I shall be a delinquent if I do not make at least a passing mention of the late Mr. T. R. Anantharama Ayyar, who was perhaps the greatest among them, being the person who by his industry, perseverance and capacity enabled the members of the Trikkur Madom to grow great.

A few of the members of the Trikkur Madom migrated to Punkunnam according to plan laid down by the late Mr. Ramachandra Ayyar. Under the able leadership of Mr. Balarama Ayyar but always taking advice of his uncle Ramachandra Ayyar who was then practising at Madras, the little village of Punkunnam flourished and progressed by leaps and bounds until at last it has now turned to be a very valuable limb of the town of Trichur. If the planning of the present Punkunnam including, of course, the Sitaram mill's originated from the late Mr. T. R. Ramachandra Ayyar, there is no doubt that the prime executant of the plan was Mr. Balarama Ayyar. The services of Mr. Balarama Ayyar as a Legislator have been already referred to by the member.

Mr. Balarama Ayyar was a pioneer in our industrial activity and fortunately the pioneer himself grew our into premier industrialist. Let those who are interested and those who are able, to take inspiration from Mr. Balarama Ayyar and work for the industrial advancement of our State without which we are not going to be saved in the long run. If our State is slow in this respect let our people be more serious and earnest and let them bring into existence as many industrial concerns as possible like the Sitarams.

I have known Mr. Balarama Ayyar from my infancy and I have always found in him a loving and lovable generous hearted gentleman. Though the scion of any orthodox brahmin house and himself an orthodox he was social and sociable and did evince a very keen interest in all activities promoting public interest. It is beyond doubt that the Sitarams would not have grown into such a big industrial concern if not for the farsight, tact, organising ability and administrative capacities of the late Mr. Balarama Ayyar.

Charity begins at home and this explains his exceeding care and attachment towards his own kith and kin. I for one only love him all the more for that trait in his character. He had in him also abundance of that milk of human kindness and when times required, it was quite possible for him to extend his goodness and kindness to the needy.

I conclude praying that eternal blessing may crown his noble services here below.

**Mr. B. V. K. Menon** (*Secretary to Government*): I wish to associate myself on behalf of the Government with the sentiments expressed by the Hon'ble Member, Mr. Govinda Menon, A pioneer industrialist, a keen student and an erudite scholar, Mr. Balarama Ayyar commanded considerable respect in whatever sphere he moved in life and there can be no doubt that his demise is a great loss to this State. May his soul rest in peace!

**Mr. President**: I do not myself know Mr. Balarama Ayyar as a member of this Legislative Council but since I came to this State I have from time to time had the privilege of meeting him, and I fully realise the respect and admiration which he was commanding. I therefore should like to associate myself with this motion of condolence. I will ask Hon'ble members who associate with this motion to stand up in their seats.

*The motion passed unanimously*

## LEGISLATIVE BUSINESS—GOVERNMENT BILLS

### The Industrial Statistics Bill

**Mr. C. J. Mathew** (*Joint Secretary to Government*): I beg to move the Industrial Statistics Bill, be read in Council.

**Mr. M. Sivarama Menon** (*Advocate-General*): I second it.

**Mr. C. J. Mathew** (*Joint Secretary to Government*): This is a bill which is in operation in British India and it is the intention of the Government of India to enforce it in all parts of British India. Along with it they also desired that this State should make such a provision enforceable here also with the idea of ensuring uniformity in the application. The intention is to give statutory authority for collecting necessary statistics regarding factories, conditions in factories and regarding the welfare of the labour employed there. I may just mention some of the main subjects on which statistics are intended to be collected, i.e., prices of commodities;

attendance, living conditions, indebtedness, rents of dwelling houses, wages and other earnings, provident and other funds provided for labour, benefits and amenities provided for labour, hours of work, employment and unemployment, industrial and labour disputes. These are the different subjects on which statistics are intended to be collected. All members will agree that it is a very useful measure and absolutely non-controversial and I request that the House will be pleased to support the Bill.

**Mr. M. Sivarama Menon (Advocate-General):** I wish to add one or two words by way of explanation regarding some of the provisions contained in this Bill. Prima facie when this Bill is read it may strike you that we have sought to give retrospective operation to the provisions of this Bill; because this Bill shall be deemed to have come into force, when it becomes the law, from the 1st April of 1945. The purpose of the retrospective operation is only to enable the statistician to collect statistics with effect from 1st April 1945 so that there may be uniformity in the period of time from which statistics are collected throughout India. These statistics will be of use not only in Cochin State but in the whole of India. None of the penal provisions of this Bill will come into operation, from the 1st of April 1945 even though the Bill will have retrospective effect from 1st April 1945. But for the retrospective operation, the authority may not be able to collect statistics from 1st April 1945. For working out clause 3, Government have to issue a notification. Then clause 4 says that Government may appoint for the purpose of collection of statistics an officer to be the statistics authority, after the issue of the notification. It is for that authority to issue a notice to any person calling for information. If after the notification any person is required to furnish any information or return or gives false information then that man can be punished. It is only after such a demand by such an authority is made that the man can be punished. Therefore the operation of this Bill can arise only after the issue of the notification and the appointment of the statistics authority. In clause 10 there is a typographical error which I hope the House will condone and read the word "no" after the word "and" in the third line. It will read as follows: "No prosecution under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution under section 9 shall be instituted except by or with the sanction of Government". A formal amendment is not necessary.

**Mr. P. Govinda Menon (Ernakulam):** Mr. President, Sir, I have great pleasure to support the Bill introduced by the Joint Secretary to Government. In my opinion this Bill ought to have been placed on the statute book long ago. The absence of statistics has always been a handicap in the State, alike for Government, for employers and for employees. This Bill came into law in British India as stated by the learned Member for Law in 1942. It will be seen from the provisions of the Bill that if it becomes law it is only a piece of enabling legislation which will clothe the Government with power to collect statistics. Even collection of statistics is only empowering or arming the Government with materials for further action in the field of legislation and administration. It is that aspect of the matter which I want to dilate upon in supporting this Bill. The absence of this Bill will be a great handicap. But I wish to remind Government that the passing of this Bill into law does not by itself, satisfy any of the needs of the community. First of all, Government may or may not issue a notification appointing an authority to collect statistics, or may or may not collect statistics. It is absolutely within the power of the Government. I rise to support this Bill only to request the Government to hasten the putting into operation of the provisions of this Bill by appointing statisticians and collecting statistics. After collecting statistics, the statistics and the correct information so collected will remain absolutely waste matter unless further action in administrative and legislative fields is taken by Government. Now this Government, I regret to have to say, has been copying many of the important and far-reaching legislations of the Central Government, but often they are not being implemented. For example, I noted that in the Essential Services Maintenance Proclamation of 1117 which again is a copy of a Central Legislation, Government is given power to prosecute employees if they are not doing their work properly or if they strike work. But there is another provision in that Act or Proclamation which Government has not yet thought fit to put into operation and that is this. For factories and for places where that Proclamation is made applicable Government is clothed with the power to dictate as to what shall be the minimum wages, what shall be the conditions under which employees should work and such other things. That also finds a place in that Act. But this Government has not found occasion or thought it fit to take action under that Section. In the same manner this legislation also after it finds a place on the statute book may or may not be pursued further. It is in order to make that request that I rise to make a speech supporting this Bill. Now why should Government be clothed with statistics? It is but

proper that this House understands and thinks about the logical consequence which follows after the enactment of this Bill. Now it is a long exploded doctrine that there should be free scope for enterprise, that there should be free contract between employer and employee; that doctrine of laissez-faire has been long ago exploded; and now nobody will contend, not even the most conservative of Governments will contend that employers and employees can be left to enter into free contract as to what shall be the conditions of labour, what shall be the wages. Even in the Beveridge Report which has not been framed by a revolutionary or a radical but by a liberal politician of Great Britain, even in the Beveridge Report it is contemplated that there shall be once for all a giving up of this doctrine of free contract between employer and employee and the State in the interests of the common welfare of the people, shall intervene and there shall be free discussion and negotiation and settlement between the three parties involved in the matter namely, the representatives of the State, the representatives of the employers and the representatives of the employees and proper conditions shall be laid down. In this connection I wish to refer to certain conclusions which have been reached by the International Labour Conference which met in 1944 in Philadelphia, an organisation which India was a Member. Several decisions have been taken in the conference, some of which I will detail here and if the House understands what are the decisions that have been come through in that conference, the House will very well understand why it is necessary that we should be armed with sufficient powers to collect statistics. The Conference of the International Labour Organisation which met at Philadelphia in 1944 decided among other things:—(1) Labour is not a commodity—(2) Poverty anywhere constitutes a danger to prosperity everywhere—(3) the War against want requires to be carried on with unrelenting vigour within each nation and by continuous and concerted international efforts in which the representatives of the workers and employees enjoying equal status with those of Governments joining with them in free discussion and democratic decision with a view to the promotion of the common welfare—(4) full employment and raising of standards of living—(5) Policies in regard to wages and earnings, hours and other conditions of work, calculated to ensure a just share of the fruits of the progress to all and a minimum living wage to all employed and in need such protection—(6) the extension of social security measures to provide a basic income to all in need of such protections and comprehensive medical care; adequate protection of life and health of workers in all occupations; the provision of adequate nutrition, housing and facilities for recreation and culture; the assurance of equality of educational and vocational opportunity. These are some of the decisions reached by the conference which are relevant for the purpose of this discussion. From a perusal of these decisions by the conference it will be seen how important it is for Government to be armed with statistics. I envisage a state of affairs in which Government armed with statistics and information sought to be collected by the enabling provisions of this act Government will constitute Wage Boards and then declare minimum wages that shall prevail in Industries in any given locality, taking into consideration all the circumstances of the case. I wish to impress upon the Government the significance of the following sentences in the Beveridge Report. This is what the report says:—"Now, when the war is abolishing land marks of every kind, is the opportunity for using experience in a clear field." A revolutionary movement in the world's history is a time for revolution, not for patching work. So let this legislation be a step in the direction of revolutionary legislation and not a patch work.

**Mr. C. J. Mathew** (*Joint Secretary to Government*): I may assure the House that the Government has the greatest concern about the welfare of the labourers and they will do their very best. In this connection I also wish to tell you at least so far as the measure is concerned there will be no delay. In fact the statistical authority has been appointed by the Government in anticipation of sanction and necessary machinery has been put into operation and everything will be done to expedite things immediately.

*Motion put and carried*

**Secretary to the Council:** The title of the Bill is The Industrial Statistics Bill.

**Mr. C. J. Mathew** (*Joint Secretary to Government*): I beg to move that Hon'ble President be pleased to suspend S. O. 32.

**Mr. President:** S. O. 32 suspended.

**Mr. C. J. Mathew** (*Joint Secretary to Government*): I beg to move that the Bill be taken into consideration.

*Motion put and carried*

*Clauses 2 to 11 put and carried*

*Clause 1 put and carried*

*Title and preamble put and carried*

**Mr. C. J. Mathew** (*Joint Secretary to Government*): I move that the Bill be taken up and passed to-morrow.

**Mr. M. Sivarama Menon** (*Advocate-General*): I beg to second it.

**Mr. President**: I should like to know whether the Hon'ble members have any objection to take up this Bill to-morrow.

**Members**: No.

*Motion put and carried*

*The House rose for the day at 1-20 p.m.*

N. S. RADHAKRISHNA SARMA

*Secretary to the Council*

## APPENDIX I

### MINUTES OF THE STANDING FINANCE COMMITTEE MEETING

*Monday, 9th July 1945/25th Mithunam 1120*

The Standing Finance Committee of the Cochin Legislative Council met to-day at 12 noon in the Diwan's Room in the Secretariat to examine the budget proposals for the year 1121 M.E. and the demand for Supplementary Grants for the current year.

*Present*

Sir George Boag, K.C.I.E., C.S.I.

(President).

M.R.Ry. B. V. K. Menon Avl., B.A., B.L., Offg. Secretary to Government.

" P. V. Raphael Avl., M.A. (Hons.), Comptroller of Finance and Accounts.

" K. S. Panicker Avl.

Miss Annie Joseph, B.A.

M.R.Ry. N. S. Radhakrishna Sarma Avl., M.A., B.L. (Secretary).

### SUPPLEMENTARY GRANTS

The following demands for supplementary grants were first taken up and passed without comment:—

- |    |          |                                                                       |
|----|----------|-----------------------------------------------------------------------|
| 1. | Rs. 500  | Under "2A-1-Agriculture—T.A. Ordinary".                               |
| 2. | " 150    | " "2-A-2-Farm Operations—Miscellaneous".                              |
| 3. | " 50     | " "2-A-5 (b)-Public Gardens—Other Charges".                           |
| 4. | " 150    | " "2-A-5 (c)-Gardens attached to residential quarters—Other Charges". |
| 5. | " 253/8  | " "19-Sanitation and Conservancy—Cleaning Charges (Cranganur)".       |
| 6. | " 253/8  | " "do. —Dearness Allowance (Cranganur)".                              |
| 7. | " 8,250  | " "15-1-Huzur Secretariat—Miscellaneous".                             |
| 8. | " 40,000 | " "27-2-Printing Paper".                                              |
| 9. | " 1,084  | " "do. —Miscellaneous".                                               |

When item No. 10 was taken up the Diwan-President remarked that details should have been given as to the advertisements which had been published. Item No. 10—Demand for Supplementary Grant of Rs. 1,500 under "39-Miscellaneous and unforeseen charges" was passed.

- |     |           |                                               |
|-----|-----------|-----------------------------------------------|
| 11. | Rs. 1,868 | Under "39-5-Textiles—Establishment".          |
| 12. | " 1,133   | " "do. —D.A. and Town Allowances".            |
| 13. | " 500     | " "do. —T.A."                                 |
| 14. | " 2,750   | " "do. —Other Charges".                       |
| 15. | " 102     | " "39-6-Stamping Cotton Cloth—Establishment". |
| 16. | " 88      | " "do. —D.A. and Town Allowance".             |
| 17. | " 750     | " "32-Industries—(Reserved) T.A."             |
| 18. | " 200     | " "14-Anchal—T.A."                            |
| 19. | " 391     | " "do. (z) P.C.R. Works".                     |

CLC II-3

## APPENDIX II

## THE INDUSTRIAL STATISTICS BILL

Whereas it is expedient to facilitate the collection of statistics of certain kinds relating to industries;

It is hereby enacted as follows.—

1. (1) *Short title, extent and commencement.*—This Act may be called the Industrial Statistics Act of 112 .

(2) It extends to the whole of Cochin State.

(3) It shall be deemed to have come into force on the 1st day of April 1945.

2. *Definition.*—In this Act “prescribed” means prescribed in rules made under this Act or in any form prescribed by those rules.

3. (1) *Collection of statistics.*—Government may, by notification in the Cochin Government Gazette, direct that statistics shall be collected relating to any of the following matters, namely,—

(a) any matter relating to factories; (b) any of the following matters so far as they relate to welfare of labour and conditions of labour, namely,—

(i) prices of commodities; (ii) attendance; (iii) living conditions, including housing, water supply and sanitation; (iv) indebtedness; (v) rents of dwelling houses; (vi) wages and other earnings; (vii) provident and other funds provided for labour; (viii) benefits and amenities provided for labour; (ix) hours of work; (x) employment and unemployment; (xi) industrial and labour disputes; and thereupon the provisions of this Act shall apply to the collection of those statistics.

(2) In clause (a) of sub-section (1) “factory” means a factory as defined in clause (1) of section 2 of the Cochin Factories Act, II of 1113, or any premises deemed to be a factory in pursuance of a declaration made under sub-section (1) of Section 5 of that Act.

4. *Appointment of statistics authority.*—Government may appoint an officer to be the statistics authority for the purposes of the collection of any statistics under this Act.

5. (1) *Power of statistics authority to call for returns and information.*—The statistics authority may serve or cause to be served on any person a notice requiring him to furnish, at such intervals and in such form and with such particulars as may be prescribed, such information or returns relating to any matter in respect of which statistics are to be collected and to such authority or person and in such manner and at such times as may be prescribed.

(2) The notice referred to in sub-section (1) may be served by post.

6. *Right of access to record or document.*—The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act, and may enter at any reasonable time any premises wherein he believes such record or document to be, and may ask any question necessary for obtaining any information required to be furnished under this Act.

7. (1) *Restriction on the publication of returns and information.*—No individual return and no part of an individual return, made, and no information with respect to any particular undertaking given, for the purposes of this Act, shall, without the previous consent in writing of the owner for the time being of the undertaking in relation to which the return or information was made or given, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular undertaking.

(2) Except for the purposes of a prosecution under this Act or under the Cochin Penal Code, no person not engaged in connection with the collection of statistics under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

8. *Penalties.*—If any person required to furnish any information or any return,—

(a) wilfully refuses or without lawful excuse neglects to furnish such information or return as required under this Act, or; (b) wilfully furnishes or causes to be furnished any

information or return which he knows to be false, or; (c) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act;

or if any person impedes the right of access to relevant records and documents or the right of entry conferred by section 6, he shall for each such offence be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues; and in respect of false information, returns or answers the offence shall be deemed to continue until true information or a true return or answer has been given or made.

9. *Penalty for improper disclosure of information or returns.*—If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Cochin Penal Code, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both imprisonment and fine.

10. *Cognisance of offences.*—No prosecution under Section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution under Section 9 shall be instituted except by or with the sanction of Government.

11. (1) *Power of Government to make rules.*—Government may, subject to the condition of previous publication by notification in the Cochin Government Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, rules may be made under this Section regulating the exercise of the right of access to documents and the right of entry conferred by Section 6.

### Statement of Objects and Reasons

The Indian Industrial Statistics Act, 1942 (XIX of 1942) provides for the statutory authority required for the collection of statistical information relating to factories and the welfare of labour and labour conditions. The Government of India have now decided to enforce the Act throughout British India forthwith for the collection of statistical information in respect of factories as defined in clause (J) of Section 2 of the Factories Act. It is necessary to co-operate with the Government of India in a matter of such all India importance, by taking parallel action as early as possible. The urgent need for an Industrial Statistics Act has also been felt by Government in connection with the collection of statistics relating to labour and labour welfare in the State.

The Bill closely follows the Indian Industrial Statistics Act, 1942 (XIX of 1942). Hence this Bill.